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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 EDGAR MOSQUERA GAMBOA,

12 Petitioner,

13 v.

14 UNITED STATES OF AMERICA,
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16 Respondent.
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) Case No. CV 17-3303 DSF(JC)

) ORDER ACCEPTING FINDINGS,
) CONCLUSIONS, AND
) RECOMMENDATIONS OF
) UNITED STATES MAGISTRATE
) JUDGE

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of
19 Habeas Corpus (“Petition”) and accompanying documents, and all of the records
20 herein, including the August 1, 2018 Report and Recommendation of United States
21 Magistrate Judge (“Report and Recommendation”), documents as to which judicial
22 notice is taken in the Report and Recommendation, and petitioner’s objections to
23 the Report and Recommendation (“Objections”). The Court has further made a *de*
24 *novo* determination of those portions of the Report and Recommendation to which
25 objection is made. The Court concurs with and accepts the findings, conclusions,
26 and recommendations of the United States Magistrate Judge and overrules the
27 Objections.

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1 IT IS HEREBY ORDERED: (1) the Petition is construed as a motion
2 arising under Section 2255; (2) the Petition/Section 2255 motion and this action
3 are dismissed without prejudice for lack of jurisdiction; (3) alternatively – in the
4 event petitioner is deemed to have made an adequate showing that his remedy
5 under Section 2255 is inadequate or ineffective – the Petition is denied on the
6 merits and this action is dismissed with prejudice; and (4) the Clerk shall enter
7 Judgment accordingly.

8 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and
9 the Judgment herein on petitioner and any counsel for respondent.

10 8/31/18

11 DATED: _____

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14 HONORABLE DALE S. FISCHER
15 UNITED STATES DISTRICT JUDGE
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